

## **REMARKS**

Claims 1-4 and 6-43 are pending. By this Amendment, a new title is provided, Claim 5 is canceled, and Claims 1, 10, 21, 29, and 37 are amended.

### **Objection to the Specification**

In item 3, on page 2 of the Office Action, the title is objected to as not being descriptive. The title of the application is amended to read, "System and Method for Rating Media Information." The title is being changed to more accurately describe the invention and to be more informative. Support for the amendment can be found in the published specification at least at the abstract and paragraph 0019. Withdrawal of the objection to the specification is respectfully requested.

### **Objection to the Claims**

In item 4, on page 2 of the Office Action, Claim 10 was objected to because of the use of the word, TV. The Applicant respectfully traverses the objection, noting that the word, "TV" is a well-known word known to be synonymous with television. See, e.g. Webster's New World College Dictionary, Fourth Edition, at page 1545. However, to further prosecution of the present application, Claim 10 has been amended herein to use the word, "television," and withdrawal of the objection is respectfully requested.

In item 4, on page 2 of the Office Action, Claim 5 is noted as missing from the claim set. To avoid further confusion, Applicant has labeled Claim 5 as "Canceled". Withdrawal of the objection regarding claim numbering is respectfully requested.

**Rejection of Claims 1 - 43 under 35 USC §102**

In items 7 - 49, on pages 3 - 9 of the Office Action, Claims 1 - 43 were rejected under 35 USC §102 as being anticipated by U.S. Patent 6,697,824 to Bowman-Amuah. This rejection is respectfully traversed.

Bowman-Amuah discloses a system and method for interacting with a user over a network to personalize the delivery of website contents to a user over the network (Bowman-Amuah at abstract; Col. 2, lines 16 - 29). Such personalization is directed toward building a relationship with the user and increasing sales in a network-based eCommerce environment (Col. 34, lines 6 - 22; Col. 46, lines 32 - 33; Col. 60, lines 6 - 41). Based on profile information obtained from a user, the delivery of website content and products is personalized to the user during a user shopping session (Col. 48, lines 46 - 60; Col. 80, lines 44 - 50).

In contrast to the Bowman-Amuah system, the Applicant's claimed invention is directed to a system and method for rating media information. In particular, and reciting the features of independent Claim 1, there is claimed a computer-implemented method for rating media information, including:

*obtaining demographic data concerning users, the demographic data including data for a number of profile categories; at a client unit,*  
*playing media information to a user;*  
*producing a media and rating indication display, the rating information display indicating a user's rating of an element in the media;*  
*receiving information rating the played media information from a the user and transmitting the rating information to a server across a network;*

*selecting at least one indication for at least one profile category to determine a grouping of multiple users; and*

*combining the rating information from the multiple users to produce average rating information for the played media.*

The Office Action, on page 3, asserts that the Bowman-Amuah document discloses each of the features recited in independent Claim 1. The Applicant respectfully asserts that the Office Action's reliance on the Bowman-Amuah document is misplaced. First, the Bowman-Amuah patent is directed to a system and method for customizing an eCommerce web site to a user, which bears no similarity to the present claimed method for rating media information. The present method includes the feature of playing media information to a user. The Bowman-Amuah document discloses no such feature and, instead, is directed toward a user accessing an eCommerce web site, with the web site presenting information and images to the user that are personalized to the user's profile (Bowman-Amuah at Col. 2, lines 16 - 29; Col. 60, lines 6 - 41; Col. 80, lines 44 - 50).

Further, Claim 1 recites the features of playing media information to a user, receiving information rating the played media information, and transmitting the rating information to a server across a network. While Bowman-Amuah discloses the rating of information by a user, the rating is directed toward the contents of the web site the user has accessed for eCommerce purposes and not media information being played to the user (Bowman-Amuah at Col. 33, lines 33 - 34; Col. 54, lines 1 - 8; Col. 67, lines 19 - 21). The user rating of the contents of the Bowman-Amuah web site are consistent with the rest of the Bowman-Amuah disclosure, which is directed

toward methods for building a relationship with the user through the website and improving sales through the website (Col. 34, lines 6 - 22; Col. 46, lines 32 - 33; Col. 74, lines 31 - 38). The Office Action cites to client 4100 and server 4102 of Fig. 41; Col. 74, lines 5 - 45; and Col. 81, lines 10 - 25 as allegedly teaching these features. However, the cited portions of Bowman-Amuah are completely silent regarding receiving user rating of played media information and transmitting the rating information to a server. In fact, the cited portions fail to disclose the rating of any information whatsoever.

Claim 1 also recites the feature of combining the played media rating information from multiple users to produce rating information for the played media, which is neither taught nor suggested by Bowman-Amuah. The Office Action cites to Col. 48, line 45 to Col. 49, line 45 and Col. 85, lines 15 - 25 as allegedly disclosing this feature. However, the cited features are completely silent regarding any rating information whatsoever, much less combining the rating information to produce rating information for the played media.

It is respectfully submitted that the Bowman-Amuah document fails to disclose each of the features recited in Claim 1; and, therefore, Bowman-Amuah cannot reasonably be said to anticipate Applicant's claimed invention. Accordingly, Claim 1 is believed to be patentably distinguishable over the Bowman-Amuah document, and it is respectfully requested that the rejection of Claim 1 be withdrawn.

Claims 2-4 and 6-20 depend from Claim 1 and include all the features of Claim 1 plus additional features which are not taught or suggested by the Bowman-Amuah document. For example, Claim 4 specifies displaying the combined rating information, which is neither taught nor suggested by Bowman-Amuah. The Office

Action cites to Col. 48, line 65 - Col. 49, line 39 as allegedly disclosing this feature. However, the cited portion of Bowman-Amuah merely discloses displaying the website content to the user and is completely silent regarding any rating information, much less displaying combined rating information. Therefore, for at least this reason and the reasons set forth above with respect to Claim 1, it is submitted that Claims 2-4 and 6-20 patentably distinguish over the Bowman-Amuah document, and withdrawal of the rejection of Claims 2-4 and 6-20 is respectfully requested.

Independent Claim 21 is directed toward an apparatus that includes:

*a client unit adapted to play media and to produce rating indication display,*

*the rating information display indicating a user's rating of an element in the media,*

*the client unit adapted to receive the rating information from a user and transmit the rating information to a server across a network,*

*wherein the client unit comprises a computer; and*

*an analysis unit at another location having access to demographic data for a number of profile categories,*

*the analysis unit adapted to determine a grouping of multiple users from a selection of at least one indication for at least one profile category,*

*the analysis unit further adapted to combine the rating information from the server for the multiple users.*

Claim 21 has also been rejected in the Office Action as being anticipated by the Bowman-Amuah document. However, Claim 21 recites a client unit adapted to receive information rating media played on the client unit and to transmit the rating information to a server across a network. As discussed above regarding Claim 1, Bowman-Amuah discloses no such feature and, instead, is directed toward personalizing a website based on the profile of a user (Bowman-Amuah at Col. 2, lines 16 - 29). Nor does Bowman-Amuah disclose combining the media rating information for multiple users. The Office Action cites to Col. 48, line 45 to Col. 49, line 45 and Col. 85, lines 15 - 25 as allegedly disclosing this feature. However, the cited features are completely silent regarding any rating information whatsoever, much less combining the media rating information for multiple users.

It is respectfully submitted that the Bowman-Amuah document fails to disclose each of the features recited in Claim 21; and, therefore, Bowman-Amuah cannot reasonably be said to anticipate Applicant's claimed invention. Accordingly, Claim 20 is believed to be patentably distinguishable over the Bowman-Amuah document, and it is respectfully requested that the rejection of Claim 21 be withdrawn.

Claims 22 - 28, as renumbered herein, depend from Claim 21 and include all the features of Claim 21 plus additional features which are not taught or suggested by the Bowman-Amuah document. For example, Claim 22 specifies that the combining includes using weights, which is neither taught nor suggested by Bowman-Amuah. The Office Action cites to Col. 61, line 65 - Col. 62, line 12 as allegedly disclosing this feature. However, the cited portion of Bowman-Amuah merely discloses that shipping charges for the items purchased by the user may be determined by gross shipping weight, which has nothing to do with the recited

feature of combining media rating information. Therefore, for at least this reason and the reasons set forth above with respect to Claim 21, it is submitted that Claims 22 - 28 patentably distinguish over the Bowman-Amuah document, and withdrawal of the rejection of Claims 22 - 28 is respectfully requested.

Independent Claim 29 is directed toward a method for rating media information, including the steps of:

*receiving from a server a time indication at a first time;*

*producing data concerning an event in media information at a second time; and*

*transmitting the second time data along with the time indication to the server across a network wherein a difference indication is produced at the server or client unit indicating the difference between first and second time and wherein the time difference is used to determine the media event being rated.*

Claim 29 has also been rejected in the Office Action as being anticipated by the Bowman-Amuah document, wherein the Office Action relies on various portions of the Bowman-Amuah document between Col. 81, line 5 and Col. 83, line 32 to allegedly teach the features recited in Claim 29. The Applicant respectfully submits that the Office Action's reliance on the cited portions of Bowman-Amuah, or on any portion of the Bowman-Amuah document, is misplaced. Bowman-Amuah is completely silent regarding producing data concerning an event in media information at a second time and is correspondingly silent regarding a time difference between a first and second time, wherein the time difference is used to determine the media

event being rated. The only reference to any time in the cited portions of Bowman-Amuah is directed toward the times at which the user purchases occurred (Col. 82, lines 49 - 50), and there is no reference to any time difference nor any media event whatsoever.

It is respectfully submitted that the Bowman-Amuah document fails to disclose each of the features recited in Claim 29; and, therefore, Bowman-Amuah cannot reasonably be said to anticipate Applicant's claimed invention. Accordingly, Claim 29 is believed to be patentably distinguishable over the Bowman-Amuah document, and it is respectfully requested that the rejection of Claim 29 be withdrawn.

Claims 30 - 36 depend from Claim 29 and include all the features of Claim 29 plus additional features which are not taught or suggested by the Bowman-Amuah document. For example, Claim 30 specifies that the event is an event that occurs during a media presentation, which is neither taught nor suggested by Bowman-Amuah. The Office Action cites to Col. 4, lines 16 - 55 as allegedly disclosing this feature. However, the cited portion of Bowman-Amuah merely discloses issues associated with object programming and is completely silent regarding any event that occurs during a media presentation, much less receiving or determining any time associated with the media event. Therefore, for at least this reason and the reasons set forth above with respect to Claim 29, it is submitted that Claims 30 - 36 patentably distinguish over the Bowman-Amuah document, and withdrawal of the rejection of Claims 30 - 36 is respectfully requested.

Independent Claim 37 is directed toward an apparatus for rating a media event, wherein the apparatus includes:



*a server adapted to send a time indication to a client at a first time; and  
a client computer adapted to receive data concerning an event in  
media information at a second time,  
the client computer adapted to produce a difference indication of  
the difference between the first and second time and to transmit the data along with  
the time difference indication to the server across a network  
wherein the time difference indication is used to determine the  
media event being rated.*

Claim 37 has also been rejected in the Office Action as being anticipated by the Bowman-Amuah document, wherein the Office Action relies on various portions of the Bowman-Amuah document between Col. 81, line 5 and Col. 83, line 32 to allegedly teach the features recited in Claim 37. The Applicant respectfully submits that the Office Action's reliance on the cited portions of Bowman-Amuah, or on any portion of the Bowman-Amuah document, is misplaced. Bowman-Amuah is completely silent regarding producing data concerning an event in media information at a second time and is correspondingly silent regarding a time difference between a first and second time, wherein the time difference is used to determine the media event being rated. The only reference to any time in the cited portions of Bowman-Amuah is directed toward the times at which the user purchases occurred (Col. 82, lines 49 - 50), and there is no reference to any time difference nor any media event whatsoever.

It is respectfully submitted that the Bowman-Amuah document fails to disclose each of the features recited in Claim 37; and, therefore, Bowman-Amuah cannot

reasonably be said to anticipate Applicant's claimed invention. Accordingly, Claim 37 is believed to be patentably distinguishable over the Bowman-Amuah document, and it is respectfully requested that the rejection of Claim 37 be withdrawn.

Claims 38 - 43 depend from Claim 37 and include all the features of Claim 37 plus additional features which are not taught or suggested by the Bowman-Amuah document. For example, Claim 38 specifies that the event is an event that occurs during a media presentation, which is neither taught nor suggested by Bowman-Amuah. The Office Action cites to Col. 8, lines 16 - 55 as allegedly disclosing this feature. However, the cited portion of Bowman-Amuah merely discloses issues associated with object programming and is completely silent regarding any event that occurs during a media presentation, much less receiving or determining any time associated with the media event. Therefore, for at least this reason and the reasons set forth above with respect to Claim 37, it is submitted that Claims 38 - 43 patentably distinguish over the Bowman-Amuah document, and withdrawal of the rejection of Claims 38 - 43 is respectfully requested.


**Conclusion**

Applicant respectfully submits that the application is in condition for allowance. Favorable consideration on the merits and prompt allowance are respectfully requested. In the event any questions arise regarding this communication or the application in general, please contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

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